

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

AUG

3 2006

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| Case No. | 5555 |
| Date Filed | 7/5/06 |
| Hearing Date | |
| Receipt | |
| Fee | \$400.00 |

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☒ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code

CASE 5555 MAP 60 TYPE Special Exception/Interpretation

ELECTION DISTRICT 01 LOCATION 2018 Mountain Road, Joppa 21085

BY Krishna Pollard and Savitri Pollard

Appealed because a special exception pursuant to Sec. 267-53D(3) of the Harford County Code to allow a motor vehicle repair shop in the Agricultural District and an interpretation of Section 267-39(C)(7)(g) of the Harford County Code requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Krishna Dave Pollard Phone Number call attorney

Address 2018 Mountain Road, Joppa, Maryland 21085
Street Number Street City State Zip Code

Co-Applicant Savitri M. Pollard Phone Number call attorney

Address 2018 Mountain Road, Joppa, Maryland 21085
Street Number Street City State Zip Code

Contract Purchaser Phone Number

Address
Street Number Street City State Zip Code

Attorney/Representative Lawrence F. Kreis, Jr., Stark and Keenan, P. Phone Number 410-879-2222

Address 30 Office Street, Bel Air, MD 21014
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2018 Mountain Road, Joppa, Maryland 21085 (See Ex. #1)

Subdivision _____

Lot Number _____

Acreage/Lot Size +/- 9.624 (see Ex. 1) Election District 01

Zoning AG

Tax Map No. 60 Grid No. 3F Parcel 78 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: Single family home, detached garage and shed

Estimated time required to present case: 1 hour

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

See Exhibit #2

Justification

See Exhibit #2

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Exhibit #1

ADDRESS AND LOCATION OF PROPERTY

The Applicants reside at 2018 Mountain Road which is further identified on Map 60 as Parcel 78. They also own three (3) adjoining properties on Mountain Road which are currently unimproved and do not have street addresses. They are identified as Parcels 75, 279 and 189 on Map 60. If this special exception is approved, three (3) of the four (4) contiguous properties owned by the Applicants (Parcels 78, 75 and 279) will be reconfigured to create a larger L shaped Parcel 78 consisting of 9.624 acres (see attached site plan) with the motor vehicle repair shop being constructed on the new portion of Parcel 78. Parcel 189 will provide access from Mountain Road to the proposed shop.

ACREAGE/LOT SIZE

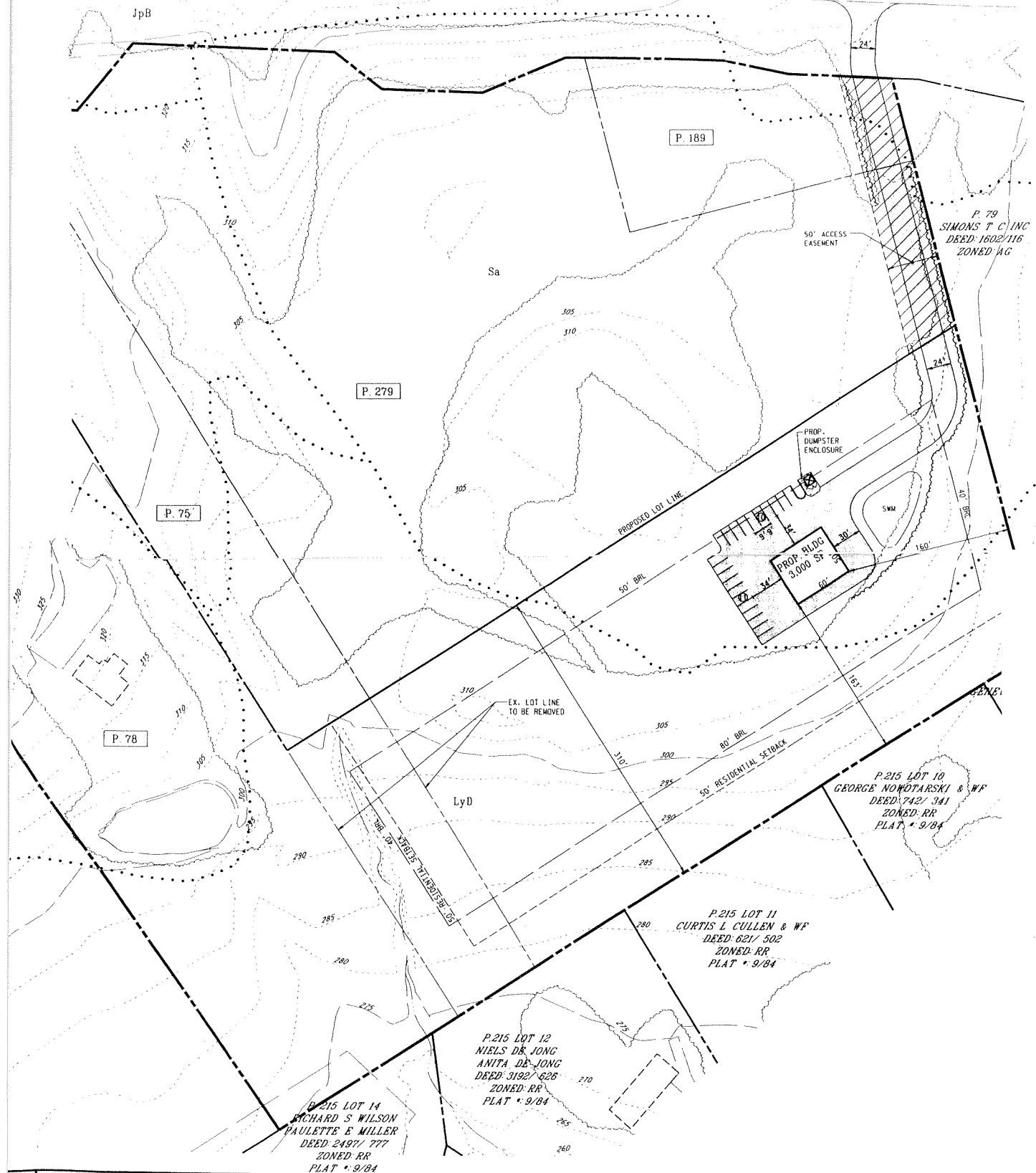
The current acreage of 2018 Mountain Road is +/- 4.32 acres. The Acreage of this property will be increased to +/- 9.624 if the Special Exception is granted and the lot is reconfigured.

Exhibit #2

Request: The Applicants are requesting special exception approval pursuant to Section 267-53 (D)(3) of the Harford County Zoning Code to operate a motor vehicle repair shop on the subject property which is zoned AG. For specific details see the attached site plan.

Justification: Applicants, Krishna Dave Pollard and Savitri M. Pollard, seek approval to construct a 3,000 square foot Motor Vehicle Repair Shop on this property. The request is solely limited to a Motor Vehicle Repair Shop and is not for a motor vehicle filling or service station. There will be no gas pumps. The property is zoned AG and has access and frontage on Mountain Road. As shown on the attached site plan, the shop will be located on a 9.624 acre lot where the Pollards currently reside. The Pollards request meets or exceeds the requirements of Sections 267-53 (D)(3) and 267-39 (C)(7) and would not have an adverse impact on the surrounding area.

MOUNTAIN ROAD - MARYLAND ROUTE 152



OWNER/DEVELOPER
MR. DAVE POLLARD
2018 MOUNTAIN ROAD

FWM
FREDERICK WARR ASSOCIATES

P.O. Box 727, 5 South Main Street
Bel Air, Maryland 21014-0727
410-879-2090
410-882-1242

SITE PLAN
SPECIAL EXC
DOLLAR

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

June 4, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5555

APPLICANT/OWNER: Krishna Dave Pollard
2018 Mountain Road, Joppa, Maryland 21085

Co-APPLICANT: Savitri M. Pollard
2018 Mountain Road, Joppa, Maryland 21085

REPRESENTATIVE: Lawrence F. Kreis, Jr.
Stark and Keenan
30 Office Street, Bel Air, Maryland 21014

LOCATION: 2018 Mountain Road
Tax Map: 60 / Grid: 3F / Parcel: 78
Election District: First (1)

ACREAGE: 9.624 acres

ZONING: AG/Agricultural

DATE FILED: July 5, 2006

HEARING DATE: September 27, 2006

APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.

CODE REQUIREMENTS:

The Applicants are requesting a Special Exception pursuant to Section 267-53D(3) of the Harford County Code to allow a motor vehicle repair shop in the AG/Agricultural District.

Preserving Harford's past; promoting Harford's future

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Section 267-53D(3) of the Harford County Code reads:

- (3) *[Amended by Bill No. 93-10] Motor vehicle repair shops. These uses may be granted in the AG and B1 Districts, provided that:*
- (a) *A buffer yard at least 10 feet wide shall be provided along any adjacent road right of way or adjacent residential lot.*
 - (b) *The requirements of Section 267-39C(7) of this chapter for service stations and repair shops in the B2 and B3 Districts shall be met.*
 - (c) *Unless Board approval is granted, accessory buildings and outdoor storage of vehicles, tires and equipment shall be prohibited.*
 - (d) *The operator of the shop shall maintain a log of all vehicles repaired. For each vehicle, the log shall include the vehicle identification number and a description of the vehicle and identify the dates the vehicle arrived and was removed. The log shall be available for inspection during normal business hours. If no log exists, it shall be assumed for the purposes of 267-39C(7)(f) that each vehicle has been stored on the property for 90 days.*
 - (e) *The rental or storage of trailers, boats, and trucks shall be prohibited.*
 - (f) *Proposed outdoor storage areas and refuse storage areas shall be fenced or screened from adjacent properties and shown on the site plan submitted for Board approval.*
 - (g) *Materials, textures, colors and designs of fences, walls and screening shall be compatible with the on-site development, adjacent properties, and the neighborhood. When a wall is required, a planting strip at least 5-feet wide shall be provided also and shall include trees and shrubs that are at least 2-feet high when planted and that may be expected to form a year-round dense screen within 3-years. The location and species of trees and shrubs used for screening shall be chosen with consideration for the size of the trees and shrubs at maturity. Fences, walls, screening, and planting strips shall be located so that they do not constitute sight obstructions for the drivers of vehicles entering or exiting the parcel or any adjacent lot or parcel.*
 - (h) *The fumes, odors and noise from the vehicle-related work shall be minimized.*
 - (i) *A minimum parcel area of 1-acre shall be required.*
 - (j) *In the AG District, the use shall be operated by the resident of the property.*

Section 267-39C(7) of the Harford County Code reads:

- (7) *Motor vehicle filling or service stations and repair shops, in the B2 and B3 Districts, provided that:*
- (a) *Pumps shall be at least twenty-five (25) feet from all road right-of-way.*
 - (b) *All portions of the lot used for storage or service of motor vehicles shall be paved with a hard surface.*

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- (c) *No obstructions which limit visibility at intersection or driveways shall be permitted.*
- (d) *Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness shall not adversely affect the operation of vehicles or reflect into residential buildings.*
- (e) *No motor vehicle filling or service station driveway shall be located less than four hundred (400) feet from the property line of any public or private institutional use, including schools, houses of worship, hospitals, parks or playgrounds.*
- (f) *Vehicles, except those vehicles used in the operation of the business, may not be stored on the property for more than ninety (90) days.*
- (g) *A motor vehicle filling or service station shall only be permitted if all properties adjacent to proposed use are served by a public water supply.*

Enclosed with the report is copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 2).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located on the west side of Mountain Road (MD Route 152) just south of the intersection of Singer Road. A location map and a copy of the Applicants site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located outside of the Development Envelope. The predominant land use designation is Agricultural. The Natural Features Map reflects Stream systems. The Joppa-Joppatowne Community Plan shows a community park area around the subject area (Attachment 5). The subject property is designated as Agricultural which is defined by the 2004 Master Plan as:

***Agricultural** – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 6 and 7).

Land Use – Existing:

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The existing land uses conform to the overall intent of the 2004 Master Plan. The predominant land uses north of I-95 include agriculture, residential and institutional. The topography for the area ranges from rolling to steep especially near the major streams and their tributaries. The topography of the subject property ranges from rolling to steep because of the past quarry operation. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 8 and 9).

The property is unusually shaped. The property totals approximately 9.624 acres. The property was formerly part of the Jenkins sand and gravel pit. The Applicant's dwelling is located to the north and rear of the property and the proposed repair shop is to be located to the southwest corner. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 10 and 11).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. There are areas of RR/Rural Residential representing existing residential developments. Commercial zoning along Route 152 is limited to small parcels of B1/Neighborhood Business District. The subject property is zoned AG/Agricultural as are the properties adjoining on the north, south and east side. The properties adjoining on the west side are zoned RR/Rural Residential. Enclosed with the report is a copy of the zoning map (Attachment 12).

SUMMARY:

The Applicants are requesting a Special Exception pursuant to Section 267-53D(3) of the Harford County Code to allow a motor vehicle repair shop in the AG/Agricultural District.

Section 267-53D(3):

(3) *[Amended by Bill No. 93-10] Motor Vehicle repair shops. These uses may be granted in the AG and B1 Districts, provided that:*

(a) *A buffer yard at least 10 feet wide shall be provided along any adjacent road right of way or adjacent residential lot.*

The applicants can provide the required 10 foot buffer yard.

(b) *The requirements of Section 267-39C(7) of this chapter for service stations and repair shops in the B2 and B3 Districts shall be met.*

This will be discussed in detail later in the report.

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- (c) *Unless Board approval is granted, accessory buildings and outdoor storage of vehicles, tires and equipment shall be prohibited.*

The plan does not indicate any proposed outside storage.

- (d) *The operator of the shop shall maintain a log of all vehicles repaired. For each vehicle, the log shall include the vehicle identification number and a description of the vehicle and identify the dates the vehicle arrived and was removed. The log shall be available for inspection during normal business hours. If no log exists, it shall be assumed for the purposes of 267-39C(7)(f) that each vehicle has been stored on the property for 90 days.*

The Applicants must maintain a log as described above of all vehicles repaired on site.

- (e) *The rental or storage of trailers, boats, and trucks shall be prohibited.*

The applicants site plan does not show any areas for the storage of trailers, boats and trucks on site.

- (f) *Proposed outdoor storage areas and refuse storage areas shall be fenced or screened from adjacent properties and shown on the site plan submitted for Board approval.*

The proposed dumpster would need to be screened from adjacent properties.

- (g) *Materials, textures, colors and designs of fences, walls and screening shall be compatible with the on-site development, adjacent properties, and the neighborhood. When a wall is required, a planting strip at least 5-feet wide shall be provided also and shall include trees and shrubs that are at least 2-feet high when planted and that may be expected to form a year-round dense screen within 3-years. The location and species of trees and shrubs used for screening shall be chosen with consideration for the size of the trees and shrubs at maturity. Fences, walls, screening, and planting strips shall be located so that they do not constitute sight obstructions for the drivers of vehicles entering or exiting the parcel or any adjacent lot or parcel.*

A landscaping and screening plan has not been provided.

- (h) *The fumes, odors and noise from the vehicle-related work shall be minimized.*

All repair work shall be done within the building proposed by the Applicant.

- (i) *A minimum parcel area of 1-acre shall be required.*

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The Applicants own approximately 19.85 acres. It appears that only 9.64 acres will be used for the applicants dwelling and the proposed repair shop.

(k) In the AG District, the use shall be operated by the resident of the property.

The Applicants reside on the property.

Section 267-39C(7):

(7) Motor vehicle filling or service stations and repair shops, in the B2 and B3 Districts, provided that:

(a) Pumps shall be at least twenty-five (25) feet from all road right-of-way.

The request is for an automobile repair shop only with no fuel pumps.

(b) All portions of the lot used for storage or service of motor vehicles shall be paved with a hard surface.

The Applicants' site plan shows a large paved area around the building to be used for storage of vehicles awaiting repair.

(c) No obstructions which limit visibility at intersections or driveways shall be permitted.

The proposed building and parking area will be approximately 500± feet from MD Route 152. The Applicants are proposing an entrance out to MD Route 152 along the southern end of the property across an easement on parcel 279 and parcel 189.

(d) Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness shall not adversely affect the operation of vehicles or reflect into residential buildings.

The Applicants have not submitted a lighting plan.

(e) No motor vehicle filling or service station driveway shall be located less than four hundred (400) feet from the property line of any public or private institutional use, including schools, houses of worship, hospitals, parks or playgrounds.

The proposed repair shop entrance is greater than 400 feet from any institutional use.

(f) Vehicles, except those vehicles used in the operation of the business, may not be stored on the property for more than ninety (90) days.

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The Department has concerns regarding the number of parking spaces proposed by the Applicants.

- (g) *A motor vehicle filling or service station shall only be permitted if all properties adjacent to proposed use are served by a public water supply.*

The Board of Appeals has determined that this requirement is not applicable to motor vehicle repair shops.

Section 267-9I:

- (1) *The number of persons living or working in the immediate area.*

The subject property is located in a rural area of the County. There is however a residential subdivision located to the west of the proposed repair shop. The repair shop may adversely impact the residents in this area.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads, peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

Mountain Road (MD Route 152) is a state owned and maintained arterial road. There is good visibility in both a north and south direction in the area of the proposed driveway.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The Department is concerned about potential impacts to the residential community to the west of the proposed use.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The use may have and adverse impact on the community based on the distance between the proposed building and the adjacent dwellings.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

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The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Joppa/Magnolia Volunteer Fire Department will provide fire protection and emergency service. The property is served by private well and septic systems. A company of the Applicant's choice will handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

Because of the limited distance between the proposed use and the adjacent dwellings, the Department finds that the proposal is not consistent with generally accepted planning principles.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The use should not have an adverse impact on institutional uses in the area.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is not consistent with the Master Plan. Future development and redevelopment is to be located south of I-95 within the development envelope.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The property is an abandoned sand and gravel operation. Some filling of the property has taken place over the years. There are streams that run through the area. There is some concern regarding containment measures if there are any liquid products stored on site.

- (10) *The preservation of cultural and historic landmarks.*

There does not appear to be any historic structures or sites in the immediate area.

RECOMMENDATION and or SUGGESTED CONDITIONS:

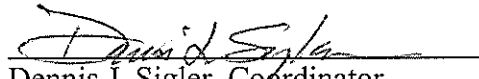
The Department recommends that the requested Special Exception be denied.

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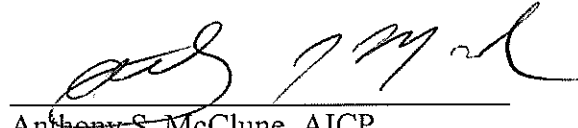
Krishna and Savitri Pollard

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Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning